

1           **BEFORE THE ARIZONA REGULATORY BOARD OF PHYSICIAN ASSISTANTS**

2  
3   In the Matter of

4   **KYLE C. DENMAN, P.A.**

5   Holder of License No. 2307  
6   For the Performance of Health Care Tasks  
7   In the State of Arizona.

Case No. PA-07-0006A

**CONSENT AGREEMENT FOR  
SURRENDER OF ACTIVE LICENSE**

7                           **CONSENT AGREEMENT**

8           By mutual agreement and understanding, between the Arizona Regulatory Board  
9   of Physician Assistants ("Board") and Kyle C. Denman, P.A. ("Respondent"), the parties  
10   agreed to the following disposition of this matter.

11           1.   Respondent has read and understands this Consent Agreement and the  
12   stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").  
13   Respondent acknowledges that he has the right to consult with legal counsel regarding  
14   this matter and has done so or chooses not to do so.

15           2.   By entering into this Consent Agreement, Respondent voluntarily  
16   relinquishes any rights to a hearing or judicial review in state or federal court on the  
17   matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18   Board, and waives any other cause of action related thereto or arising from said Consent  
19   Agreement.

20           3.   This Consent Agreement is not effective until approved by the Board and  
21   signed by its Executive Director.

22           4.   The Board may adopt this Consent Agreement of any part thereof. This  
23   Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24   action against Respondent.  
25

1        5. This Consent Agreement does not constitute a dismissal or resolution of other  
2 matters currently pending before the Board, if any, and does not constitute any waiver,  
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
4 pending or future investigation, action or proceeding. The acceptance of this Consent  
5 Agreement does not preclude any other agency, subdivision or officer of this State from  
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
7 of this Consent Agreement.

8        6. All admissions made by Respondent are solely for final disposition of this  
9 matter and any subsequent related administrative proceedings or civil litigation involving  
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
11 or made for any other use, such as in the context of another state or federal government  
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
13 any other state or federal court.

14        7. Upon signing this agreement, and returning this document (or a copy thereof) to  
15 the Board's Executive Director, Respondent may not revoke the acceptance of the  
16 Consent Agreement. Respondent may not make any modifications to the document. Any  
17 modifications to this original document are ineffective and void unless mutually approved  
18 by the parties.

19        8. If the Board does not adopt this Consent Agreement, Respondent will not  
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
21 bias, prejudice, prejudgment or other similar defense.

22        9. This Consent Agreement, once approved and signed, is a public record that will  
23 be publicly disseminated as a formal action of the Board and will be reported to the  
24 National Practitioner Data Bank and to the Arizona Regulatory Board of Physician  
25 Assistant's website.

1 10. If any part of the Consent Agreement is later declared void or otherwise  
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
3 force and effect.

4 11. Any violation of this Consent Agreement constitutes unprofessional conduct  
5 and may result in disciplinary action. A.R.S. § § 32-2501(21)(dd) ("[v]iolating a formal  
6 order, probation agreement or stipulation issued or entered into by the board or its  
7 executive director under this chapter") and 32-2551.

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9  
10   
KYLE C. DENMAN, P.A.

Dated: 7-2-07

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of physician assistants in the State of Arizona.

2. Respondent is the holder of license number 2307 for the practice of health care tasks in the State of Arizona.

3. The Board initiated case number PA-07-0006A after Respondent reported a substance abuse problem to Board Staff.

4. On February 26, 2007, Respondent reported he abused Percocet he had obtained from other providers and an urgent care facility. Respondent also reported inappropriately removing Percocet from his place of employment and diverting medication from numerous patients while he was on duty in the emergency room.

5. On February 28, 2007, Respondent entered an Interim Consent for Practice Restriction and was instructed to attend treatment at a Board approved treatment facility. Respondent received treatment from a facility not approved by the Board and was discharged on April 5, 2007.

6. On April 12, 2007, Respondent entered into an Interim Consent Agreement to participate in the Board's Monitored Aftercare Program ("MAP").

7. On May 15, 2007, Respondent was ordered to undergo an in-patient evaluation at a Board approved facility within thirty days. On May 17, 2007, the Board received correspondence from Respondent indicating he is unable to comply with the Board Order to undergo an in-patient evaluation and participate in MAP because of the costs.

8. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. §32-2501(21)(d) ("habitual intemperance in

1 the use of alcohol or habitual substance abuse") and A.R.S. §32-2501(21)(k) ("[v]iolation  
2 of a formal order, probation or stipulation issued by the board.").

3 **CONCLUSIONS OF LAW**

4 1. The Board possesses jurisdiction over the subject matter hereof and over  
5 Respondent.

6 2. The Board possesses statutory authority to enter into a consent agreement  
7 with a physician assistant and accept the surrender of an active license from a physician  
8 assistant who admits to having committed an act of unprofessional conduct. A.R.S. § 32-  
9 2551(P)(2).

10 **ORDER**

11 IT IS HEREBY ORDERED THAT License Number 2307 issued to Kyle C. Denman,  
12 P.A. for the performance of healthcare tasks in the State of Arizona, is surrendered and  
13 that Kyle C. Denman, P.A. immediately return his wallet card and certificate of licensure to  
14 the Board.

15 DATED and effective this 22<sup>nd</sup> day of August, 2007.

16 ARIZONA REGULATORY BOARD OF PHYSICIAN  
17 ASSISTANTS



19 By:

20

21 TIMOTHY C. MILLER, J.D.  
Executive Director

22 ORIGINAL of the foregoing filed  
23 this 22<sup>nd</sup> day of August, 2007 with:

24 Arizona Regulatory Board of Physician Assistants  
25 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

1 EXECUTED COPY of the foregoing mailed  
2 this 19<sup>th</sup> day of August, 2007 to:

3 Kyle C. Denman, P.A.  
4 Address of Record

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6 Investigational Review  
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